

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**In re: George Van Wagner
Debtor**

**Bankruptcy # 08-00435
Chapter 07**

**George Van Wagner,
P.O. Box 867
Martinsburg, WV 25402
Plaintiff,**

v.

**America's Servicing Company,
servicer for Duestche National Bank and Morgan Stanley
PO Box 10388
Des Moines, IA 50328
877-222-7875**

**Cintiux, LLC
PO Box 182
Berryville, VA 22611
540-579-4466**

**Kenneth LeMaster, Sheriff
400 W. Stephens St.
Martinsburg, WV 25401
304-262-3070**

**Norwood Bentley, County Attorney
400 W. King St., Rm. 1
Martinsburg, WV 25401
304-267-5009**

**John W. Small, Jr., County Clerk
100 W. King St., Rm. 1
Martinsburg, WV 25401
304-267-3001x6001
Defendants**

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that George Van Wagner, Debtor, *pro se*,
(hereinafter "Debtor") is requesting to here by remove the civil action styled
George Van Wagner, pro se, Plaintiff, v. America's Servicing Company, et al,
Civil Action No. 10-C-306 (hereinafter "State Suit"), from the Circuit Court of

Berkeley County, West Virginia, to the United States Bankruptcy Court for the Northern District of West Virginia. An attested copy of the docket sheet in the State Suit is attached hereto as **Exhibit A**. In support for the removal the Debtor avers as follows:

1. This Court has jurisdiction over the State Suite pursuant to 28 U.S.C. ; 1334(b), and the State Suit, together with any cause of action alleged therein, may be removed to this Court under 28 U.S.C. ; 1452(a) and Rule 9027 of the Federal Rules of Bankruptcy Procedure.

2. The Debtor filed a voluntary petition under Chapter 11, Title 11, United States Code, with the Clerk of this Court to case NO. 3:08-bk-00435 on March 28, 2008. Thereafter the Debtor's Chapter 11 case was converted to a case under Chapter 7 of the Bankruptcy Code on July 1, 2009, and Thomas Fluharty, Esq., was appointed as the Trustee of the Debtor's Estate, qualified and continues to serve.

3. The State Suit is a matter which can be removed to this Court since the claims contained therein are "related to" the within bankruptcy proceeding filed by the Debtor in accordance with 28 U.S.C. ; 1452(a).

4. This Court is the proper court to which to remove the State Suits as it is the Bankruptcy court for the district wherein the State Suit is pending, the State Suite is not a proceeding before the United States Tax Court, and it is not a civil action by a governmental unit to enforce such governmental unit's police or regulatory power. 28 U.S.C. ; 1452(a)

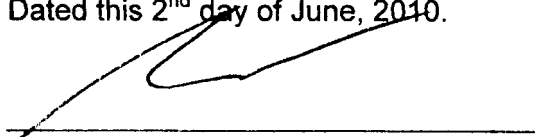
5. The removed State Suit is a civil action over which this Court has jurisdiction under 28 U.S.C. ; 1334(b).

6. The removed State Suit constitutes a core proceeding inasmuch as the claims asserted (a) involve determinations of validity, extent, or priority of liens under 28 U.S.C. ; 157(b)(2)(k); (b) involve matters concerning the administration of the estate under 28 U.S.C. ; 157(b)(2)(A); (c) affect the liquidation of assets of the estate under 28 U.S.C. ; 157(b)(2)(O); (d) involve orders approving the use of the property of the estate under 28 U.S.C. ; 157(b)(2)(N); and involve orders approving the sale of property other than property resulting from claims brought

by the estate against persons who have not filed claims against the estate pursuant to 28 U.S.C. ; 157(b)(2)(M).

7. Contemporaneously with the filing of this Notice, the Debtor has filed a copy of this Notice of Removal with the Clerk of the Circuit Court of Berkeley County, West Virginia and has served a copy of said Notice of Removal upon all parties to the State Suit.

Dated this 2nd day of June, 2010.



George Van Wagner, Debtor, *pro se*
PO Box 867
Martinsburg, WV 25402

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CERTIFICATE OF SERVICE

I, George Van Wagner, do hereby certify that I have served a true copy of the foregoing "Notice of Removal" this 2nd day of June, 2010, by mailing a true copy, through the United States Post Office, thereto:

Judge Silver
380 W. South St., Ste. 4400
Martinsburg, WV 25401

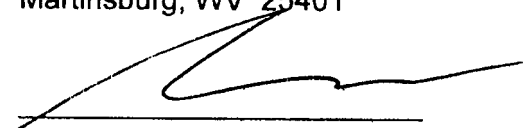
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